

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20 CV 182 MR WCM

JENNIFER LONGO,

Plaintiff,

V.

ELIZABETH ASPINWALL,
individually and in her official capacity
as an employee of Western Carolina
University, and WESTERN CAROLINA
UNIVERSITY

Defendants.

ORDER

This matter is before the Court *sua sponte* and following an August 31, 2020 telephone conference with counsel for the parties.

Prior to taking the bench, the undersigned taught, as an adjunct professor, an undergraduate level class in the College of Business at Western Carolina University during the Fall semester of 2015 and the Spring semester of 2016. Additionally, the undersigned's father served as a vice-chancellor of Western Carolina University from approximately 2002 until early 2013.

Pursuant to 28 U.S.C. § 455(a), the recusal of a federal judge from any proceeding is required if the judge's "impartiality might reasonably be questioned." In addition, 28 U.S.C. § 455(b) requires recusal under specifically

described circumstances, including where the judge “has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding,” “has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;” or has some other interest in the litigation, such as previously serving as a lawyer in the matter. Disqualification under section (a) may be waived, while disqualification under section (b) may not. See 28 U.S.C. § 455(e).

Having reviewed the Complaint and relevant authorities, it does not appear to the undersigned that recusal is required under either section (a) or section (b). However, before the undersigned considers Defendants’ Motion to Dismiss (Doc. 14) and issues a recommendation for the District Court as to that Motion, the undersigned wishes to make the parties aware of this information and to provide them with an opportunity to raise any concerns they may have in that regard.

Accordingly, the parties are directed to confer and to file, on or before September 8, 2020, notice of their positions regarding this issue or any other submissions they deem appropriate.

It is so ordered.

Signed: August 31, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

